

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DONNA E. WHITE,

Plaintiff,

vs.

UNITED PARCEL SERVICE,

Defendant.

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Case No. 4:11CV00707 AGF

MEMORANDUM AND ORDER

This matter is before the Court on the motions of Plaintiff's counsel, Mr. Kevin J. Dolley and Mr. Evan M. Porter, for leave to withdraw (Doc. Nos.12 & 13), and on the Court's review of the file.

On July 27, 2011, the Court held a hearing on the motions for leave to withdraw, at which Plaintiff was ordered to appear. When Plaintiff did not appear, her attorney contacted her by phone, at which time she advised her counsel that she was aware of the hearing but could not attend; that she did not oppose the motions to withdraw, and hoped to obtain new counsel; and that she intended to proceed with one of two identical lawsuits. As a result, the Court issued an Order to Show Cause on July 28, 2011 (Doc. No. 16, filed in this case) giving Plaintiff until August 16, 2011, to show cause (1) why the motions of her counsel to withdraw from representing her in this case should not be granted, and (2) why an identical action, Case No. 4:11CV01234 AGF, should not be dismissed without prejudice as duplicative of the above-captioned case. In addition, Plaintiff was given 14 days to obtain substitute counsel.

As of the date of this Order, Plaintiff has not responded to the Order to Show Cause, nor has she notified the Court that she has obtained or desires to obtain representation in this

case. Plaintiff has filed a Pro Se Motion to Stay in the above-captioned case (Doc. No. 17), essentially requesting that her “case” proceed in state court. Defendant’s response to this motion is due August 26, 2011. But Plaintiff’s Motion to Stay does not address either of the matters this Court raised in the Order to Show Cause.

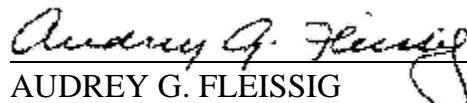
In light of Plaintiff’s failure to respond to the Court’s Order to Show Cause dated July 28, 2011 (Doc. No.16), the Court will allow counsel to withdraw from representing Plaintiff in this matter. In addition, by way of a separate Order to be entered this day in Case No. 4:11CV01234 AGF, the Court will dismiss without prejudice Plaintiff’s identical, second-filed action as duplicative of this action.

Accordingly,

IT IS HEREBY ORDERED that the Motion of Kevin J. Dolley to Withdraw as Attorney for Plaintiff [Doc No. 12] is **GRANTED**.

IT IS FURTHER ORDERED that the Motion of Evan M. Porter to Withdraw as Attorney for Plaintiff [Doc. No. 13] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff shall proceed pro se in this case, until such time as she obtains new counsel and said counsel enters an appearance on Plaintiff’s behalf.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of August, 2011.